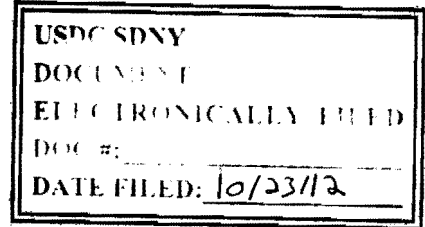


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES

-v-

LEONIDES SIERRA et al.,

Defendants.

11 Cr. 1032 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

At the conference for the Group B defendants held on October 5, 2012, Gregory Cooper, Esq., counsel for defendant Carlos Urena, requested that he be allowed to provide his client, in written form, with excerpts of information extracted from the Government's preliminary enterprise letters. Mr. Cooper proposed to limit such information to information regarding acts and events in which Mr. Urena is alleged to have participated. The Government's enterprise letters are subject to a protective order entered by the Court on July 30, 2012.

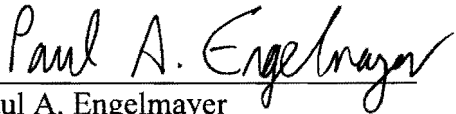
In a letter dated October 10, 2012, the Government opposed that request, on the grounds that providing excerpts of the enterprise letters to defendants prior to the superseding indictment is inconsistent with the protective order, and, if such excerpts are copied and circulated to others, this may jeopardize the safety of witnesses or cause unindicted associates of the defendants to flee. At the Court's invitation, Mr. Cooper provided a response, dated October 18, 2012, and the Government provided an *ex parte* letter, dated October 18, 2012, addressing more specifically its concerns about safety, retaliation against witnesses, and potential flight.

Having considered these submissions carefully, the Court's determination is that this issue is appropriately resolved after the return of the superseding indictment, which is due by

December 14, 2012. Mr. Cooper's application is, therefore, denied, without prejudice to Mr. Cooper's right to renew this application after return of the superseding indictment. Nothing in this Order is intended to modify the existing protective order, which by its terms permits defense counsel to review and discuss the preliminary enterprise letters with their clients. *See* Protective Order, ¶ 1(b) (enterprise letters "shall not be possessed by the defendant, except in the presence of the defendant's counsel").

The Government is directed to file, under seal, its letter dated October 18, 2012.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: October 23, 2012
New York, New York